



February 9, 2001

## HOUSE BILL No. 1389

DIGEST OF HB 1389 (Updated February 7, 2001 5:05 PM - DI 92)

**Citations Affected:** IC 8-15; IC 9-21.

**Synopsis:** Toll road revenues. Requires the toll road authority to use excess revenues for road and infrastructure projects in the counties through which the toll road passes. Specifies that the authority's use of excess revenue to fund projects is subject to the trust indenture for bonds payable from the authority's revenue. Requires the authority to allocate money for the projects upon the basis that the population of each county bears to the total population of all the counties through which the toll road passes. Requires the removal of at least 15 stop lights on U.S. Highway 31 between Interstate Highway 465 and the city limits of South Bend. Requires the Indiana department of transportation to forfeit \$1,000,000 for each violation of the requirement. Requires the Indiana department of transportation to transfer the forfeited money to the U.S. Highway 31 upgrade fund. Requires the department to make the transfer within 30 days of the violation. Sets forth the criteria for determining whether a traffic signal should be installed on U.S. Highway 31 between Interstate Highway 465 and the city limits of South Bend.

**Effective:** July 1, 2001.

**Fry, Mock**

January 11, 2001, read first time and referred to Committee on Roads and Transportation.  
January 31, 2001, reported — Do Pass; referred to Committee on Ways and Means per Rule 127.  
February 8, 2001, amended, reported — Do Pass.

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February 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1389

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A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 8-15-2-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) In order to remove the  
3 handicaps and hazards on the congested highways in Indiana, to  
4 facilitate vehicular traffic throughout the state, to promote the  
5 agricultural and industrial development of the state, and to provide for  
6 the general welfare by the construction of modern express highways  
7 embodying safety devices, including center division, ample shoulder  
8 widths, long sight distances, multiple lanes in each direction, and grade  
9 separations at intersections with other highways and railroads, the  
10 authority may:  
11       (1) construct, reconstruct, maintain, repair, and operate toll road  
12 projects at such locations as shall be approved by the governor;  
13       (2) in accordance with such alignment and design standards as  
14 shall be approved by the authority and subject to IC 8-9.5-8-10,  
15 issue toll road revenue bonds of the state payable solely from  
16 funds pledged for their payment, as authorized by this chapter, to  
17 pay the cost of such projects;

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(3) finance, develop, construct, reconstruct, improve, or maintain public improvements, such as roads and streets, sewerlines, waterlines, and sidewalks for manufacturing or commercial activities within a county through which a toll road passes if these improvements are within the county and are within an area that is located:

(A) ten (10) miles on either side of the center line of a toll road project; or

(B) two (2) miles on either side of the center line of any limited access highway that interchanges with a toll road project;

(4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within ten (10) miles of the center line of a toll road project and that:

(A) interchanges with a toll road project; or

(B) intersects with a road or a street that interchanges with a toll road project;

(5) assist in developing existing transportation corridors in northwestern Indiana; and

(6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

**(c) As used in this subsection, "excess revenue" means the amount of the authority's total income that exceeds the authority's operating expenses in a fiscal year. To the extent allowed by any trust indenture for bonds or other obligations issued before July 1, 2001, that are payable from the authority's revenue, the authority shall set aside excess revenue to pay for projects authorized under subsection (a)(3) and (a)(4) in the subsequent fiscal year. The authority shall use the excess revenue to fund projects in each county through which the toll road passes. The authority shall allocate the excess revenue to projects in each county upon the basis that the population of each county bears to the total population of all the counties through which the toll road passes.**

SECTION 2. IC 9-21-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **Except as provided in section**



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**1.5 of this chapter**, each traffic control signal on a street or highway within Indiana must conform with the standards, specifications, and warrants set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

SECTION 3. IC 9-21-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. (a) This section applies only to U.S. Highway 31 from the point where U.S. Highway 31 intersects with Interstate Highway 465 in Hamilton County to the point where U.S. Highway 31 enters the city limits of a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).**

**(b) Notwithstanding paragraph 4C-2 of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, a traffic control signal should not be installed on the highway described in subsection (a) unless at least two (2) of the three (3) warrants set forth in subsection (c) are met.**

**(c) An investigation of the need for a traffic control signal on the highway described in subsection (a) should include at least an analysis of the factors contained in the following warrants:**

**(1) Warrant 1 (minimum vehicular volume).**

**(2) Warrant 2 (interruption of continuous traffic).**

**(3) Warrant 3 (minimum pedestrian volume).**

**(d) Warrant 1 is intended for application where the volume of the intersecting traffic is the principal reason for consideration of signal installation. The warrant is satisfied when, for each of any eight (8) hours of an average day, the traffic volumes set forth in the following table exist on the major street and on the higher-volume minor street approach to the intersection:**

Number of lanes for moving traffic on each approach (total of both approaches)		Vehicles per hour on major street	Vehicles per hour on higher-volume minor street approach (one direction only)
Major Street	Minor Street		
1	1	1,000 (700)	300 (210)
2 or more	1	1,200 (840)	300 (210)
2 or more	2 or more	1,200 (840)	400 (280)
1	2 or more	1,000 (700)	400 (280)

**Additionally, if traffic is moving more than forty (40) miles per hour, the amount expressed in parentheses in this table must be**



used.

(e) Warrant 2 applies to operating conditions where the traffic volume on a major street is so heavy that traffic on a minor, intersecting street suffers excessive delay in entering or crossing the major street. The warrant is satisfied when, for each of any eight (8) hours of an average day, the traffic volumes set forth in the following table exist on the major street and on the higher-volume minor street approach to the intersection and the signal installation will not seriously disrupt progressive traffic flow:

Number of lanes for moving traffic on each approach (total of both approaches)		Vehicles per hour on major street	Vehicles per hour on higher-volume minor street approach (one direction only)
Major Street	Minor Street		
1	1	1,500 (1,050)	150 (106)
2 or more	1	1,800 (1,260)	150 (106)
2 or more	2 or more	1,800 (1,260)	200 (140)
1	2 or more	1,500 (1,050)	200 (140)

Additionally, if traffic is moving more than forty (40) miles per hour, the amount expressed in parentheses in this table must be used.

(f) Warrant 3 is satisfied when, for each of any eight (8) hours of an average day, both of the following traffic volumes exist:

- (1) At least one thousand two hundred (1,200) vehicles enter the intersection from all directions per hour.
- (2) At least three hundred (300) pedestrians enter the intersection per hour.

(g) As used in this section, "average day" means a day representing traffic volumes normally and repeatedly found at a location.

SECTION 4. IC 9-21-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Each traffic signal installation on a street or highway within Indiana may be erected only after the completion of traffic engineering studies that verify that the traffic signal control is necessary as set forth in:

- (1) the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways; or
- (2) section 1.5 of this chapter with respect to a highway described in section 1.5 of this chapter.



(b) If:

(1) the proposed installation is in the immediate vicinity of a school; and

(2) the installation does not meet the requirements of this section; the governmental unit responsible for the control of traffic at the location shall grant a special hearing on the question to a person who has properly petitioned for the installation of a traffic signal.

SECTION 5. IC 9-21-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 12. (a) This section applies only to U.S. Highway 31 from the point where U.S. Highway 31 intersects with Interstate Highway 465 in Hamilton County to the point where U.S. Highway 31 enters the city limits of a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).**

**(b) The Indiana department of transportation shall remove at least fifteen (15) stop lights from the highway described in subsection (a) in the safest manner possible. These stop lights must be removed within the time set forth in subsections (f) and (g). The department may employ either of the following alternatives at an intersection at which the department removes a signal control device under this section:**

**(1) Barricading the intersecting road or street to prevent the egress or ingress to U.S. Highway 31.**

**(2) Installing flashing lights at the intersection.**

**(c) The Indiana department of transportation may not install a stoplight or stop sign on U.S. Highway 31 after June 30, 2001. If there is a compelling need to facilitate the crossing of U.S. Highway 31, the department shall construct an overpass or underpass at the particular intersection instead of installing a stoplight or stop sign.**

**(d) For each violation of this section, the Indiana department of transportation forfeits one million dollars (\$1,000,000). The department shall transfer the money forfeited under this section to the U.S. Highway 31 upgrade fund established under subsection (e).**

**(e) There is established the U.S. Highway 31 upgrade fund for the purpose of converting U.S. Highway 31 to a limited access highway. The fund consists of money transferred to the fund under this section. The fund shall be administered by the budget agency. Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**(f) The Indiana department of transportation shall remove at**

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1 least six (6) stop lights under subsection (b) before January 1, 2002.  
2 For each violation of this subsection, the Indiana department of  
3 transportation shall forfeit one million dollars (\$1,000,000). The  
4 department shall transfer the money forfeited under this  
5 subsection to the U.S. Highway 31 upgrade fund established under  
6 subsection (e).

7 (g) The Indiana department of transportation shall remove the  
8 remaining number of stop lights required to be removed under  
9 subsection (b) before July 1, 2002. For each violation of this  
10 subsection, the Indiana department of transportation forfeits one  
11 million dollars (\$1,000,000). The department shall transfer the  
12 money forfeited under this subsection to the U.S. Highway 31  
13 upgrade fund established under subsection (e).

14 (h) The Indiana department of transportation shall transfer  
15 money forfeited under this section within thirty (30) days of the  
16 violation.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

COOK, Chair

Committee Vote: yeas 13, nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 31, delete "The" and insert **"To the extent allowed by any trust indenture for bonds or other obligations issued before July 1, 2001, that are payable from the authority's revenue, the"**.

Page 2, after line 38, begin a new paragraph and insert:

**"SECTION 2. IC 9-21-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. Except as provided in section 1.5 of this chapter, each traffic control signal on a street or highway within Indiana must conform with the standards, specifications, and warrants set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.**

**SECTION 3. IC 9-21-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) This section applies only to U.S. Highway 31 from the point where U.S. Highway 31 intersects with Interstate Highway 465 in Hamilton County to the point where U.S. Highway 31 enters the city limits of a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).**

**(b) Notwithstanding paragraph 4C-2 of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, a traffic control signal should not be installed on the highway described in subsection (a) unless at least two (2) of the three (3) warrants set forth in subsection (c) are met.**

**(c) An investigation of the need for a traffic control signal on the highway described in subsection (a) should include at least an analysis of the factors contained in the following warrants:**

- (1) Warrant 1 (minimum vehicular volume).**
- (2) Warrant 2 (interruption of continuous traffic).**
- (3) Warrant 3 (minimum pedestrian volume).**

**(d) Warrant 1 is intended for application where the volume of the intersecting traffic is the principal reason for consideration of signal installation. The warrant is satisfied when, for each of any eight (8) hours of an average day, the traffic volumes set forth in the following table exist on the major street and on the higher-volume minor street approach to the intersection:**

<b>Number of lanes for moving traffic on</b>	<b>Vehicles per hour on major street</b>	<b>Vehicles per hour on higher-volume</b>
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each approach (total of both approaches)		minor street approach (one direction only)	
Major Street	Minor Street		
1	1	1,000 (700)	300 (210)
2 or more	1	1,200 (840)	300 (210)
2 or more	2 or more	1,200 (840)	400 (280)
1	2 or more	1,000 (700)	400 (280)

Additionally, if traffic is moving more than forty (40) miles per hour, the amount expressed in parentheses in this table must be used.

(e) Warrant 2 applies to operating conditions where the traffic volume on a major street is so heavy that traffic on a minor, intersecting street suffers excessive delay in entering or crossing the major street. The warrant is satisfied when, for each of any eight (8) hours of an average day, the traffic volumes set forth in the following table exist on the major street and on the higher-volume minor street approach to the intersection and the signal installation will not seriously disrupt progressive traffic flow:

Number of lanes for moving traffic on each approach (total of both approaches)		Vehicles per hour on major street	Vehicles per hour on higher-volume minor street approach (one direction only)
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Additionally, if traffic is moving more than forty (40) miles per hour, the amount expressed in parentheses in this table must be used.

(f) Warrant 3 is satisfied when, for each of any eight (8) hours of an average day, both of the following traffic volumes exist:

- (1) At least one thousand two hundred (1,200) vehicles enter the intersection from all directions per hour.
- (2) At least three hundred (300) pedestrians enter the intersection per hour.

(g) As used in this section, "average day" means a day



**representing traffic volumes normally and repeatedly found at a location.**

SECTION 4. IC 9-21-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Each traffic signal installation on a street or highway within Indiana may be erected only after the completion of traffic engineering studies that verify that the traffic signal control is necessary as set forth in:

- (1) the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways; **or**
- (2) section 1.5 of this chapter with respect to a highway described in section 1.5 of this chapter.**

(b) If:

- (1) the proposed installation is in the immediate vicinity of a school; and
  - (2) the installation does not meet the requirements of this section;
- the governmental unit responsible for the control of traffic at the location shall grant a special hearing on the question to a person who has properly petitioned for the installation of a traffic signal.

SECTION 5. IC 9-21-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) **This section applies only to U.S. Highway 31 from the point where U.S. Highway 31 intersects with Interstate Highway 465 in Hamilton County to the point where U.S. Highway 31 enters the city limits of a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).**

(b) The Indiana department of transportation shall remove at least fifteen (15) stop lights from the highway described in subsection (a) in the safest manner possible. These stop lights must be removed within the time set forth in subsections (f) and (g). The department may employ either of the following alternatives at an intersection at which the department removes a signal control device under this section:

- (1) Barricading the intersecting road or street to prevent the egress or ingress to U.S. Highway 31.
- (2) Installing flashing lights at the intersection.

(c) The Indiana department of transportation may not install a stoplight or stop sign on U.S. Highway 31 after June 30, 2001. If there is a compelling need to facilitate the crossing of U.S. Highway 31, the department shall construct an overpass or underpass at the particular intersection instead of installing a stoplight or stop sign.

(d) For each violation of this section, the Indiana department of

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transportation forfeits one million dollars (\$1,000,000). The department shall transfer the money forfeited under this section to the U.S. Highway 31 upgrade fund established under subsection (e).

(e) There is established the U.S. Highway 31 upgrade fund for the purpose of converting U.S. Highway 31 to a limited access highway. The fund consists of money transferred to the fund under this section. The fund shall be administered by the budget agency. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The Indiana department of transportation shall remove at least six (6) stop lights under subsection (b) before January 1, 2002. For each violation of this subsection, the Indiana department of transportation shall forfeit one million dollars (\$1,000,000). The department shall transfer the money forfeited under this subsection to the U.S. Highway 31 upgrade fund established under subsection (e).

(g) The Indiana department of transportation shall remove the remaining number of stop lights required to be removed under subsection (b) before July 1, 2002. For each violation of this subsection, the Indiana department of transportation forfeits one million dollars (\$1,000,000). The department shall transfer the money forfeited under this subsection to the U.S. Highway 31 upgrade fund established under subsection (e).

(h) The Indiana department of transportation shall transfer money forfeited under this section within thirty (30) days of the violation."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1389 as introduced.)

BAUER, Chair

Committee Vote: yeas 22, nays 2.

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